

2.15.17

Commission's Secretary
Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554
Deena Shetler: deena.shetler@fcc.gov
FCC Contractor: fcc@bcpiweb.com
Re: WC Docket No. 06-210
CCB/CPD 96-20

In Further Support

Of MOTION TO REISSUE, at the BUREAU LEVEL,

THE FCC's JANUARY 12th 2007 ORDER and MAKE IT EXPLICIT

**The FCC is Holding up the FCC Ethics Staff, the State Ethics Staffs of DC and NJ
and DC Circuit Courts State Attorney Ethics Staffs**

Petitioners: One Stop Financial, Inc., Winback & Conserve Program Inc., 800 Discounts, Inc., and Group Discounts, Inc. justify its request for this motion based upon the following and the case evidence under 06-210 case file.

The FCC is aware AT&T counsels are engaged in an intentional fraud on the NJFDC and that fraud was attempted on the FCC in 2006. The FCC recognized the AT&T fraud and issued the January 12th FCC Order.

The following are emails dealing with the AT&T intentional fraud. AT&T of course has never been able to produce evidence because no evidence exists. It was an intentional fraud AT&T pulled on Judge William Bassler in 2006 and one in which AT&T continues with current Judge Wigenton in the NJFDC.

The following are emails that deal with the AT&T counsels fraud and why the FCC needs to reissue the FCC Jan12th 2007 Order and explicitly advise Judge Wigenton that the 2006 created controversy regarding which obligations transfer under 2.1.8 is MOOT as it was not part of the original controversy in January 1995. The FCC should only be deciding the DURATION OF June 17th 1994 immunity provision and determining

whether AT&T violated the Oct 1995 FCC Order by not meeting the substantial cause test.

The following are FCC Ethics Staff, the DC Circuit Court Ethics Staff, the NJ Office of Attorney Ethics Staff and the DC Bar Counsel Ethics Staff:

From: Town News [mailto:townnews@optonline.net]

Sent: Wednesday, February 15, 2017 10:13 AM

To: 'Pamela Arluk' <Pamela.Arluk@fcc.gov>; 'ray@grimes4law.com' <ray@grimes4law.com>; jcasello@cvclaw.net; Elizabeth A. Herman (HermanE@dcobc.org) <HermanE@dcobc.org>; 'Nancy_Dunn@cadc.uscourts.gov' <Nancy_Dunn@cadc.uscourts.gov>; 'William Ziff' (william.ziff@judiciary.state.nj.us) <william.ziff@judiciary.state.nj.us>; 'Patrick Carney' <Patrick.Carney@fcc.gov>; 'Rule 1.24' <Rule1.24@fcc.gov>

Cc: 'martha_tomich@cadc.uscourts.gov' <martha_tomich@cadc.uscourts.gov>; Deena Shetler <Deena.Shetler@fcc.gov>; 'eric.botker@fcc.gov' <eric.botker@fcc.gov>; 'Jay Keithley' <Jay.Keithley@fcc.gov>

Subject: FW: ETHICS----Pam-- Please confirm receipt---Motion regarding FCC 2007 Order 2.1.17

AT&T filed the attached letter yesterday opposing the attached petitioner Motion to SIMPLY CLARIFY THE JANUARY 12th 2007 ORDER.

AT&T counsels are incredibly taking the position that the FCC should not simply CLARIFY the January 12th 2007 Order that determined Judge Basslers 2006 referral was moot.

Judge Wigenton did not comment on that FCC Order. If AT&T were so confident that the January 12th 2007 FCC Order did not mean the 2006 Referral on which obligations transfer was moot, **why resist getting it clarified** for Judge Wigenton?

Why would AT&T oppose a clarification of an FCC Order if **AT&T really thought** the FCC would state that the Bassler referral on which obligations transfer still needed to be interpreted by the FCC?

AT&T counsels understand it created an intentional fraud on the NJFDC in 2006 and attempted that Fraud on the FCC in 2007. The FCC in its Jan 12th 2007 Order stated “the June 2006 referral does not expand the scope of the 1995 referral.”

The FCC's position that Judge Wigenton should understand what that means is not what the Administrative Procedures Act dictates should occur. That Act stated that the FCC needs to **assist the District Court**. The FCC's January 12th 2007 Order which Deena Shetler wrote and Thomas Navin signed obviously was not understood by Judge Wigenton. Judge Wigenton incredibly believes that it is FATHOMABLE for the FCC to simply ignore the 2006 ORDER for 11 YEARS!!!

You're all laughing!!! It's not funny!!! This FCC position that Judge Wigenton must be incompetent or lazy or corrupt not to deal with this AT&T fraud and therefore it's not the FCC's problem--- is not what the Administrative Procedures Act mandates. The motion is in front of the FCC to explicitly advise Judge Wigenton that the FCC isn't really lazy for 11 years and just doesn't feel like ruling—the issue referred is MOOT!!!!

Mr Navin's belief that Thomas Wheeler was not impartial because he was politically motivated may or may not been true. This same petitioner motion to reissue the January 12th 2007 FCC Order was refused under the Wheeler reign.

Deena and Pam obviously know AT&T is involved in an intentional fraud and that is why the issue was referred to the FCC ethics staff by Deena and Pam. The FCC does not refer ethics issues that are pending.

Pam and Deena know that obligations issue----“all obligations of the **former** customer” was never a controversy in 1995. AT&T counsel simply saw that John Roberts when at the DC Circuit was confused on an issue of which obligations transfer that was NOT reviewable by his DC Circuit Court. It was not reviewable by the DC Circuit Court simply because it was not a controversy that the FCC interpreted---and obviously, it was not interpreted by the FCC because it was NEVER A CONTROVERSY in the 1995 Federal District Court that was needed to be referred!!!

The only controversy in 1995 was whether AT&T could use section 2.2.4 to prevent traffic only to transfer without the plan---- either under 2.1.8 or 3.3.1.Q bullet 4 (delete from one plan and Add to the other plan). The FCC determined in 2003 that AT&T's sole defense was denied and the DC Circuit did not find fault with the FCC's determination to deny AT&T's sole defense. CASE OVER! NO REMAND!

John Roberts ignored all the evidence in the case and the District Court and ignored AT&T's counsel David Carpenter as all parties were advising Judge Roberts that plan obligations do not transfer when the PLAN does not transfer!!! Judge Roberts did not understand the word FORMER is a VERB that modifies the noun: “all obligations of the **former** customer” –On a PLAN transfer the transferor is NOT A FORMER CUSTOMER!!! You are only a **former** customer on that which you transfer!!! Under

that ridiculous Judge Roberts confusion, a customer A with a \$100 Million revenue commitment and 10,000 end-user business locations on its plan sells off a division of its company and transfers 20 of the 10,000 locations with \$1,000 revenue to the new AT&T customer. Under Judge Roberts confusion the new customer would have to assume \$100 million revenue commitment even though it received \$1,000 of revenue! Furthermore, the new customer would be finically responsible for the BAD DEBT on the 9,980 end-user locations that it did not have transferred to it!!! This is amazing that our current Supreme Court Chief Justice actually looked at words on paper and decided to ignore all evidence and decided to even offer his confusion on an issue that was NOT UNDER HIS COURT's REVIEW!!! NO COMMON SENSE!!!!

AT&T used Judge Roberts CREDIBILITY to pull off the fraud on Judge Bassler in 2006 as the "former customer" tariff analysis was not understood until after the case was already sent to the FCC. Reading back over the briefs it was shown to the Commission how AT&T misquoted the tariff language by using OTHER WORDS than FORMER so as to deflect possible detection. Petitioners have provided many examples that show how AT&T quoted the phrase as the "OLD PLAN" and "THE TRANSFEROR" instead of the tariffed words "all obligations of the former customer." The day after petitioners filed the "former customer analysis and showed the cover-up"---AT&T called asking how much petitioners wanted to settle.

AT&T will only settle if no ethics charges are brought against AT&T counsels due to the intentional fraud on the NJFDC and FCC. Petitioners are not interested in settling and letting AT&T counsels off the hook.

Petitioners understand the ETHICS STAFFS can't go after AT&T counsels EVEN IN A MOOT CASE --if this issue is at the FCC. Deena Shetler said that even when an issue is MOOT it is still substantive as a final order needs to be written. That final Order has been written by the DC Circuit in 2005 when AT&T lost its only defense! The FCC refusing to reissue the January 12th 2007 FCC Order to assist the District Court because the FCC believes Judge Wigenton should have understood "does not expand the scope" is the wrong position to take. The FCC needs to stop aiding counsel's intentional fraud.

There was NO JUSTIFICATION even offered by the FCC as to why it refused to clarify an ORDER for a Judge! It makes ZERO SENSE for the FCC not to reissue the ORDER from the Pricing Line Division.

Pam when Mr Navin released that Jan 2007 Order he did not need approval from the Commissioner because the issue of which obligations transfer was a MOOT ISSUE and did not need further FCC interpretation.

Pam, you know AT&T counsel is involved in an intentional fraud as you and Pam sent the fraud to the FCC ethics staff. You are the head of that Pricing Line Department. That Order came from your Department. If Mr Commissioner Pai advises you that he does not want you to address petitioners motion---- it puts you in a position where you know the Judge doesn't understand the issue is moot and you know full well AT&T counsels are engaged in an intentional fraud--- but you are being advised to ignore the AT&T intentional fraud.

Petitioners have already gone back to Judge Wigenton and she did not understand the FCC Order. It's your responsibility as Chief of the Pricing Policy Division to act on petitioner's motion and write the Order so her Court understands it.

Ridiculous, AT&T counsels telling you that you should not clarify an existing Order that the Court doesn't understand!!!

Thank you for your valuable time!

Al Inga President
Group Discounts, Inc

From: Town News [<mailto:townnews@optonline.net>]

Sent: Thursday, February 02, 2017 1:22 PM

To: 'Pamela Arluk' <Pamela.Arluk@fcc.gov>; 'ray@grimes4law.com' <ray@grimes4law.com>

Cc: jcasello@cvclaw.net; Elizabeth A. Herman (HermanE@dcobc.org) <HermanE@dcobc.org>; 'Nancy_Dunn@cadc.uscourts.gov' <Nancy_Dunn@cadc.uscourts.gov>; 'William Ziff' (william.ziff@judiciary.state.nj.us) <william.ziff@judiciary.state.nj.us>; 'Patrick Carney' <Patrick.Carney@fcc.gov>; 'Rule 1.24' <Rule1.24@fcc.gov>

Subject: RE: ETHICS----Pam-- Please confirm receipt---Motion regarding FCC 2007 Order 2.1.17

Check out the EXHIBIT A in the motion where I asked AT&T counsel Mr Brown **to show 1 example** of a traffic only transfer in which the revenue and time commitments transfer and we **WILL DROP THE CASE!!!!**

He did confirm receipt but No response of course. Imagine engaging in a fraud where a JUDGE CAN TELL A CLEARK ---MAKE A CALL TO AT&T SALES OFFICE and they will advise that their OWN COUNSEL is engaging in an intentional fraud!!! You must have some brass balls to intentionally scam multiple Judge and try to scam the FCC and engage in a cover-up by misquoting the tariff language!

This would be an interesting case for 60 Minutes/WikiLeaks etc.

How AT&T took advantage of the misreading of the tariff and the ignoring of evidence by current Supreme Court Chief Justice John Roberts when he was in the DC Circuit to pull off a fraud on the NJFDC. AT&T basically misused the **credibility of John Roberts** to create a brand-new defense **w/o any evidence!!!** While the FCC sat back and did nothing!!!

You can't make this UP if you tried!!! NO ONE WOULD BELIEVE IT ----THAT TWO HUGE LAW FIRMS WOULD INTENTIONALLY ENGAGE IN SUCH AN INTENTIONAL FRAUD THAT WAS SO OBVIOUS!!!!

Al Inga President
Group Discounts, Inc.

From: Town News [<mailto:townnews@optonline.net>]
Sent: Thursday, February 02, 2017 12:59 PM
To: 'Pamela Arluk' <Pamela.Arluk@fcc.gov>; 'ray@grimes4law.com' <ray@grimes4law.com>
Cc: jcasello@cvclaw.net; Elizabeth A. Herman (HermanE@dcobc.org) <HermanE@dcobc.org>; 'Nancy_Dunn@cad.uscourts.gov' <Nancy_Dunn@cad.uscourts.gov>; 'William Ziff' (william.ziff@judiciary.state.nj.us) <william.ziff@judiciary.state.nj.us>; 'Patrick Carney' <Patrick.Carney@fcc.gov>; 'Rule 1.24' <Rule1.24@fcc.gov>
Subject: RE: ETHICS----Pam-- Please confirm receipt---Motion regarding FCC 2007 Order 2.1.17

Pam---

It will be interesting to see if Ajit Pai allows the AT&T fraud to continue or allows you to make it explicit for the NJFDC.

Patrick---

Regarding the AT&T intentional "all obligations of the transferor" fraud pulled on NJFDC and then tried on the FCC in 2006 that the FCC addressed in its FCC Order of January 12th 2007.

Petitioners filed the attached motion that Pam is referencing in our below emails to make that FCC 2007 Order explicit because the NJFDC doesn't understand it!!!! Imagine a Federal Judge that does not understand:

“The June 2006 referral does not expand the scope of the original 1995 order”!

Pam needs to reissue it in 3rd grade ENGLISH:

Pam you can copy and paste the following.....

DEAR JUDGE WIGENTON:

THIS ISSUE REGARDING WHICH OBLIGATIONS TRANSFER UNDER SECTION 2.1.8 IS MOOT!!!! AT&T LOST THIS ISSUE!!! ITS ONLY DEFENSE WAS 2.2.4 Fraudulent USE and it was DENIED due to illegal remedy!!!!

THE DC CIRCUITS DECISION WAS NOT A REMAND!!!! IF IT WAS A REMAND IT WOULD HAVE SAID IT WAS A REMAND!!! BY LAW THE DC CIRCUIT CAN ONLY REVIEW WHAT THE FCC WAS ASKED TO INTERPRET!!! AT&T CAN NOT MAKE UP A NEW DEFENSE IN 2006 TO JUSTIFY WHY IT DID NOT DO THE TRANSACTION IN 1995!!! THE FCC WOULD NOT IGNORE THE NJFDC AND THE DC CIRCUIT FOR 11 YEARS IF THE CASE WASN'T MOOT!!! DO YOU THINK THAT MAYBE YOU SHOULD HAVE ASKED AT&T TO PRODUCE EVIDENCE THAT ALL OBLIGATIONS TRANSFER SINCE THIS IS A ROUTINE TRANSACTION THAT AT&T CLAIMED IT DID THOUSANDS OF TIMES?

Sincerely
Pamela Arluk
Chief of the Pricing Policy Division

From: Pamela Arluk [<mailto:Pamela.Arluk@fcc.gov>]

Sent: Thursday, February 02, 2017 12:43 PM

To: Town News <townnews@optonline.net>; ray@grimes4law.com

Cc: 'Phillip Okin' <pokin@giantpackaging.com>; 'Phillip Okin' <phillo@giantpackage.com>

Subject: RE: Pam-- Please confirm receipt---Motion regarding FCC 2007 Order 2.1.17

I would have to get approval from the Chairman's office to take any action.

*** Non-Public: For Internal Use Only ***

From: Town News [<mailto:townnews@optonline.net>]
Sent: Thursday, February 02, 2017 12:31 PM
To: 'Pamela Arluk' <Pamela.Arluk@fcc.gov>; 'ray@grimes4law.com' <ray@grimes4law.com>
Cc: 'Phillip Okin' <pokin@giantpackaging.com>; 'Phillip Okin' <phillo@giantpackage.com>
Subject: RE: Pam-- Please confirm receipt---Motion regarding FCC 2007 Order 2.1.17

Pam

After you read petitioners motion ---do you need to ask Commissioner Pai if you can reissue the Jan 12th 2007 Order---- or is that just your decision?

Al

From: Pamela Arluk [<mailto:Pamela.Arluk@fcc.gov>]
Sent: Thursday, February 02, 2017 12:18 PM
To: Town News <townnews@optonline.net>; ray@grimes4law.com
Cc: Phillip Okin <pokin@giantpackaging.com>; 'Phillip Okin' <phillo@giantpackage.com>
Subject: RE: Pam-- Please confirm receipt---Motion regarding FCC 2007 Order 2.1.17

correct

*** Non-Public: For Internal Use Only ***

From: Town News [<mailto:townnews@optonline.net>]
Sent: Thursday, February 02, 2017 12:14 PM
To: Pamela Arluk <Pamela.Arluk@fcc.gov>; ray@grimes4law.com
Cc: Phillip Okin <pokin@giantpackaging.com>; 'Phillip Okin' <phillo@giantpackage.com>
Subject: RE: Pam-- Please confirm receipt---Motion regarding FCC 2007 Order 2.1.17

Morning Pam!

The pricing Policy Division is also the division that released the FCC's January 12th 2007 Order?

Thank you,

Al

From: Pamela Arluk [<mailto:Pamela.Arluk@fcc.gov>]
Sent: Thursday, February 02, 2017 12:11 PM

To: Town News <townnews@optonline.net>; ray@grimes4law.com
Subject: RE: Pam-- Please confirm receipt---Motion regarding FCC 2007 Order 2.1.17

I'm the Chief of the Pricing Policy Division, which is the Division your proceeding is assigned to. The Declaratory Ruling Requests filed in September are pending—there's not really more I can tell you.

*** Non-Public: For Internal Use Only ***

From: Town News [<mailto:townnews@optonline.net>]
Sent: Thursday, February 02, 2017 5:12 AM
To: Pamela Arluk <Pamela.Arluk@fcc.gov>; ray@grimes4law.com
Subject: RE: Pam-- Please confirm receipt---Motion regarding FCC 2007 Order 2.1.17

Now that Deena has been removed from the case are you the case manager?

What is the status of the Declaratory Ruling Requests filed in September?

Al

From: Pamela Arluk [<mailto:Pamela.Arluk@fcc.gov>]
Sent: Thursday, February 02, 2017 12:10 AM
To: Town News <townnews@optonline.net>; ray@grimes4law.com
Subject: RE: Pam-- Please confirm receipt---Motion regarding FCC 2007 Order 2.1.17

Yes—I see it in ECFS

*** Non-Public: For Internal Use Only ***

From: Town News [<mailto:townnews@optonline.net>]
Sent: Wednesday, February 01, 2017 11:32 PM
To: Pamela Arluk <Pamela.Arluk@fcc.gov>; ray@grimes4law.com
Subject: FW: Pam-- Please confirm receipt---Motion regarding FCC 2007 Order 2.1.17

Pam--- On Tuesday a Motion was filed.

Please confirm receipt.

I would still like to speak with you. When are you available.

Al Inga President
 Group Discounts,

Al Inga President
Group Discounts, Inc.